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**MINUTES MEETING
Town of Halfmoon Planning Board
May 24, 2021**

Those present at the May 24, 2021 Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Higgins
Tom Koval
Rich Berkowitz- absent
Thomas Werner
Mike Ziobrowski

Planning Board Alternates:

Charlie Lucia
Brendan Nielsen-absent

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineer:

Joel Bianchi

Chairman Don Roberts opened The Planning Board Meeting at 7:00 pm

Don Roberts: Good evening, I would like to call the meeting to order, have the Board members had a chance to review the minutes from the last meeting?

Mike Ziobrowski: I make a motion to approve the minutes.

Tom Werner: I'll second it.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried

Public Hearing:

21.082 Lot 2 Subdivision, Shops of Halfmoon, 1707 Route 9 – Minor Subdivision

Duane Rabideau: Duane Rabideau from VanGuilder and Associates here tonight representing Bruce Tanski before the Board for a proposed two lot subdivision located within the Shops of Halfmoon. The proposal is to subdivide lot 2, which is all the highlighted area into two commercial lots. The proposal is to create a lot #3 which is this little one down here , that's 1.28 acres in size with the remaining lot #2 being 2. 7 acres that's the remaining lands. This lot will have the appropriate cross easements they will be in place. This is the same subdivision that was approved by the Board May 28th 2019, but it was not filed in the County Clerk's office and that is our proposal before the Board tonight.

Don Roberts: Thank you Duane, at this point we will open the public hearing would anyone in the room like to speak? (No comments) anyone online like to speak? (No comments) Nobody? Okay well we are going to leave the public hearing open anyway because there are some concerns about the traffic so comments by the Board?

Tom Koval: So as we spoke about in the pre-meeting, it goes back to our last approval of Popeye's we were trying to figure out the traffic a little further, I travel that corridor often and being that we're approving this second lot I was hoping that maybe we could do something with the turn lanes where they come out to 146 on Old 146A , right now there is a stacking issue where it's only a few cars deep where two lanes break off to one 146 and we're hoping maybe that we could lengthen those two lanes back a few cars so if one car is waiting to go straight, one car is waiting to take a left it wouldn't tie up the whole intersection , I don't think it would be a huge deal to do , but I was hoping to get a little more feedback maybe from DOT on this and from the applicant whether they would be willing to work with us on this to alleviate some of the traffic, I think it would be better for their tenants as well and traffic now backs up sometimes almost to Cemetery road and I think it's a temporary thing once Lawrence Circle is eventually built out but I think it's something we really need to address now and maybe get a little bit more input from DOT whether we could do something there.

Duane Rabideau: Isn't that a site plan issue, how is that related to the actual subdivision since we had already approved this two years ago with no specific business?

Tom Koval: Right but you are asking us , we approved Popeye's last week and now you're asking us to approve this subdivision which Im kind of going backwards on this after I've driven through it but this is our , and there is nothing saying you have to do this , Im asking you to do this , to look at this a little further for the benefit of the Town and everybody that is traveling that corridor because you are creating more traffic there now so right now the traffic flow stagnates at , not even rush hours , 3:30 , 4'oclock it stagnates where people are waiting to go straight or turn and if you have one car stopped in that very short turn lane it clogs up that whole intersection where extending those turn lanes just a little bit further back on property that's clearly available already because if you look at that piece of property you can see where everybody's been driving across the dirt to do this very thing Im asking for. I don't think Im asking for an awful lot to look further into this or to table this a little bit for a little while until we look further into this. You've already let this subdivision expire once so obviously there is not a huge rush on it.

Bruce Tanski: Bruce Tanski Clifton Park, I think your right, you said the key words, the benefit of the Town so I will take a delay even though I am a little disappointed because it is going to cost me some money and sometime but for the benefit of the Town I will acquiesce to what you guys want and we will go from there.

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Tom Koval: I appreciate it and I'm not doing it to be punitive Im really doing it to clean that intersection up for all of us.

Don Roberts: Thank you Bruce, so we will leave the public hearing open.

Marcel Nadeau: Bruce you are familiar with what we are talking about correct? You are familiar of the area we are talking about?

Bruce Tanksi: Yes

Tom Koval: Thank you

Don Roberts: Okay, okay Duane, anything to add Duane or no?

Duane Rabideau: No

Don Roberts: Okay so we'll

Lyn Murphy: See you in two weeks

Don Roberts: See you in two weeks, three weeks alright, thank you. Now who will take the lead on contacting DOT here Joel? Joel you'll contact DOT for us?

Joel Bianchi: Yup I'll do that.

Don Roberts: Okay thank you very much.

Lot 2 Subdivision, Shops of Halfmoon – Minor Subdivision

***TABLED.** The Board held a Public Hearing and tabled a proposal for a two-lot subdivision in order to further review traffic concerns on Old Rt. 146.*

New Business:

21.094 / 21.095 Ambiance Salon, 23 Executive Park Drive – Change of Use/Tenant & Sign

Brooke O'Brien: I'm Brooke O'Brien

Carrie Lamartine: Im Carrie Lamarche

Don Roberts: Just a brief description of what you want to do.

Brooke O'Brien: So we are looking to purchase the building and then we want to turn it into a salon

Don Roberts: Okay, how many employees?

Brooke Obrien: We have like 14 right now

Lyn Murphy: Im sorry can you say your name for the record I didn't catch it Im sorry.

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Brooke Obrien: Mine? Brooke O'Brien

Lyn Murphy: Thank you.

Don Roberts: And?

Carrie Lamarche: Carrie Lamarche

Don Roberts: So that's 14 employees?

Brooke O'Brien: 14 employees on average, I can't remember the exact number right now actually

Don Roberts: And how is it going to operate, how many customers at one time?

Brooke O'Brien: So we have about one client per stylist so I mean that includes our support staff so 10 clients at one time.

Don Roberts: I was worried about parking, parking shouldn't be an issue here right?

Tom Koval: Not in this place no.

Brooke O'Brien: I think there is 38 spots I want to say, they didn't have the exact number when we were looking into it they gave us a round- about there.

Don Roberts: Okay, questions by the Board?

Tom Koval: I'll make a motion to approve the change of use and you have a sign as well?

Brooke O'Brien: Yea we had submitted a

Don Roberts: So let's wait and show the signs before we take any action, let's check the signs out first, okay. You have the signs there?

Richard Harris: Yup, they are 3 foot by

Tom Koval: She's just going on those little dormers on the face of those?

Brooke O'Brien: Yes

Tom Koval: I'll make a motion to approve the signs.

Don Roberts: The use and, we are making a motion to approve the use and the signs, right Tom?

Tom Koval: Correct

Mike Ziobrowski: And Ill second the use and the signs.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, your all set.

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Brooke O'Brien: Okay thank you.

Don Roberts: Thank you.

Ambiance Salon – Change of Use/Tenant & Sign

APPROVED. *The Board approved the use of the site and related signage for a hair salon at 23 Executive Park Drive.*

21.093 Restaurant (former Salty's Pub), 217 Guideboard Road (Country Dollar Plaza)

J T Pollard: Hi guys J.T. Pollard, Reform Architecture representing Tim Trier who owns a few successful bars in Schenectady , 151 which is somewhat like this project and then Clinton Street and Uncle Bens Tavern, he is a very successful business owner and is looking to move into your Town. Our proposal is to renovate 4725 sq. ft. of space in the 217 Guideboard road, the former Salty's into a Bar/Restaurant. The proposal includes about 1500 sq. ft. of kitchen, 800 sq. ft. of bathroom, and utility space and 2425 sq. ft. of bar/restaurant area, and then we have a patio that's 70 x 35 and we realize that we are probably going to be rejected tonight but we just came in here to answer any questions that you might have on the project and.

Don Roberts: Your correct we have to deny it because your increasing the substandard set back , with that being said and you know for the patio we are going to want some bollards or some safety precautions taken so if this does get approved.

J T Pollard: That will be no problem, we have kept the patio within the property line, and I think we are a couple of fee off of the property line, so we have not encroached on the Towns property there.

Don Roberts: Okay, it's got to be denied but anyone have any questions while he is here?

Marcel Nadeau: Yea question on your live music is that outside or inside?

J T. Pollard: I think the way we handle it , well the way we handle it at 151 is generally the music is inside late night and sometimes we will do like an acoustic set during happy hour, so that's generally how

Marcel Nadeau: Because again there are residents in that area.

Tom Koval: Yea there are apartment's right behind.

Marcel Nadeau: Directly behind you.

J T Pollard: That is something that we would be willing to put a cap on that.

Tom Koval: We may set some limitations to the music when you come back in front of us just for hours and such.

J T Pollard: Sure

John Higgins: If the patio gets rejected by the ZBA you still going to plan on going ahead with the restaurant itself?

J T Pollard: That would be a question for Tim

Tim Trier: My name is Tim Trier. We didn't foresee an issue with the patio, we were just told there may be an issue with the roof enclosure so we weren't sure we were going to get the patio, well technically you don't need to get the patio approved, I'm not sure about that but we really do want the roof, just in case it definitely, with the rain obviously and sun it definitely just helps out with the people we can put in there, and we are going to plan on putting a lot of money into it and that's an extra 1500 sq. ft. that will be covered at least out of the elements maybe 3 or 4 months out of the year, and people had asked if we planned on making it a four season but right now probably not, just probably just 3 and a half, 4 months out of it right now. So we might still go forward if the roof is not approved but we will not go forward if the patio is not approved, to answer that question.

Richard Harris: We typically draw the line at, for the setback whether it is part of the structure of the building so the roof line extension we would include that as part of the set back and already the building itself doesn't meet 50ft front yard setback so there adding the roof on in the past if it was a patio with no roof they come before you with change of tenant, we probably would ask for a sketch to see where the patio is going but that wouldn't be fatal flaw in the proposal we wouldn't consider the patio as part of the setback but the roof is what triggered it.

John Higgins: So it's going to be within a foot and a half of the property line, am I reading that correctly?

Richard Harris: The edge of the patio yes.

Tom Werner: But it's the right of way for State route 236, do you have any idea what the distance is to the edge of pavement from that right of way line?

Tim Trier: I don't know exactly either.

Tom Werner: And the cars would be traveling

Tim Trier: Its generous there is a lot of property between our property line and the road, I'd say 30 feet maybe.

Richard Harris: Yea it's in the 20's or higher, yea it's pretty wide.

Tom Koval: It's not a traditionally bad area right there for.

Tom Werner: Well that's the Town long desire to have an improvement there, so I don't know whether that would

Lyn Murphy: We have the easements necessary to look towards the round- about, it doesn't involve that area that they are talking about.

Tom Werner: Oh they are talking about a round -about there?

J T. Pollard: Correct

Tom Koval: Its past, it's more towards where the parking lot is

Lyn Murphy: Correct and we already have the easements on that.

Tom Werner: So the approach lanes on a round -about though they want, they like to put curves into the road on the approaches to get slowdowns, so I'm just questioning whether

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Tom Koval: Right they have a 100 plus feet there, that whole parking lot runs up.

Lyn Murphy: There is only one spot that we don't have currently the necessary easements if the Town were to decide to put in a roundabout and it's not this property it's the property almost diagonal.

Tom Werner: Okay.

Lyn Murphy: So as Salty's either expanded or you know they changed to Gils or whatever we gradually got those easements along the way so, and we have them for Mobile as well and we have them from, yea Stewart's. It was Mobile when we got them, now its Stewart's and now they are the third corner, we don't but this does not affect it.

Tom Werner: Good

Don Roberts: Any other questions?

Tom Koval: I make a motion to deny.

Don Roberts: Because of sub-standard set-backs.

Tom Koval: Due to sub-standard set-backs

Marcel Nadeau: Ill second that.

Don Roberts: All in favor to deny this application, aye? (All in favor) Opposed? (None were opposed)
Motion carried, good luck.

JT Pollard: Thanks guys.

Restaurant (former Salty's Pub), (Country Dollar Plaza) – Site Plan

DENIED. The Board heard a request for a proposed restaurant at 217 Guideboard Road and denied the application due to the proposed patio roof failing to meet the minimum setback requirements.

Old Business:

21.084/21.085

David Kobylar, CPA, 4 Executive Park Drive – Change of Use/Tenant & Sign

Scott Solomon: We have a tenant (technical difficulties)

Don Roberts: We are going to have Rich explain your application, we'll take it from there alright? Go ahead Rich.

Richard Harris: This is David Kobylar is a CPA specializing in accounting and tax consulting services , they are going to use about 2,000 sq. ft. of the 10,000 sq. ft. building. Their typical hours Monday to Friday or 9 to 5 pm, you know during tax season he'll have extended hours, during the week days and 9 to 2, I believe on Saturdays, correct? Shake your head yes. One full time, one part time and it will add up to 2 during tax season February to April. They do want to add a sign panel, it's a 1x 5, 5 sq. ft. sign panel on the existing sign structure. This type of use does not typically have great parking demands , obviously they are adding a couple of staff during tax season and obviously that's a point and only we've had no history of parking problems at this building and doubly there is plenty of parking for staff perspective for this.

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Don Roberts: And there is a sign also.

Richard Harris: Yup I mentioned the sign itself, it's a 1 x 5 panel, and it's at the bottom of the existing monument sign under Halliday Financial he is the new tenant. They are just looking to add their name to the bottom.

Lyn Murphy: And Mr. Koval are you agreeing with, sorry, Mr. Solomon you agree with what was represented by Mr. Harris?

Scott Solomon: Yes

Lyn Murphy: Thank you.

Tom Koval: I make a motion to approve the change of tenant.

Don Roberts: And sign?

Tom Koval: You made me do them separately last time and the sign.

John Higgins: I have a question, what's in the rest of the building?

Tom Koval: Halliday Financial.

Rich Harris: Halliday Financial takes up a couple of suites and there is some vacant space also.

John Higgins: Okay but as far as parking even with the rest of the building this shouldn't be a problem?

Richard Harris: Correct.

John Higgins: I just want to make sure that we don't have a problem that's all.

Richard Harris: Oh there is no vacant space left, but Halliday Financial is using up the rest of the space.

John Higgins: Okay thank you.

Don Roberts; Go ahead Tom.

Tom Koval: I make a motion to approve the change of tenant as well as the sign panels change.

Mike Ziobrowski: I second the change of tenant and the sign.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, good luck.

David Kobylar, CPA– Change of Use/Tenant & Sign

APPROVED. The Board approved the use of office space and sign change for a financial services firm.

21.088

Full Mag Guns, 37C Pointe West Drive – Home Occupation

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Kevin Richard: Good evening my name is Kevin Richard I do live at 37C Pointe West Drive. I have established a business called Full Mag Guns. I have already gone through the ATF inspection on May 5th which I have not received my FFL for. My intent would be to sell handguns out of my home, no internet sales , no open daily, no hours of operation , it's going to be only by appointment only and this would only be a part time job for me I am fully employed right now I run a paper company in Canada. My intent would be to do this part time until I retire hopefully within a year and then pursue a retail site.

Don Roberts: Im not good with this stuff but you're going to have guns is there going to be ammunition on site as well or no?

Kevin Richard: No, no ammo I'm only going to sell hand guns.

Don Roberts: Okay thank you. Questions by the Board?

Tom Werner: Did you say pistols only. handguns?

Kevin Richard: Pistols only, hand guns. The safe that I have at my house that the ATF approved is only for handguns. The intent is right now , my inventory would be no more than 5 hand guns at one time , it's mainly going to be an operation where people can seek me out by appointment , order the hand gun I will place the order for them and do the transaction for them. I am not going to have an inventory of hand guns in my home.

Tom Koval: Kevin how do you plan on advertising this?

Kevin Richard: I do have, eventually I'll have a website, and I have secured the Full Mag Guns address from

Tom Koval: The interweb.

Kevin Richard: Yes, I don't plan on doing any internet sales it will be to advertise. No sign of course on the building, this will be all word of mouth.

Kevin Koval: You understand we have to do a public hearing on this , we are going to do expanded due to the nature of your , the development you live in.

Kevin Richard: My long term vision is I would like to pursue building a target shooting range, an indoor range once I retire from my full time job.

John Higgins How are the guns delivered to you?

Kevin Richard: They are delivered through fed-Ex, Fed-Ex or UPS is how they deliver.

John Higgins: Is somebody there to accept them, they don't just put them on the steps?

Tom Koval: No you have to sign for them as per FFL.

Kevin Richard: Exactly and the only employee of the business would be me.

Tom Koval: Just like alcohol or medication.

Marcel Nadeau: I know you have they in safes but are the safes easily accessible?

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Kevin Richard: No. and my home has a home security system as well.

Don Roberts: Now you said pistols, what kind of pistols are we talking?

Kevin Richard: It would be 22, 9mm, 357's you know a wide variety of handguns.

Tom Koval: I make a motion to set a public hearing for June 14th.

Marcel Nadeau: Ill second it.

Don Roberts: All in favor with expanded notice, aye? (All in favor) Opposed? (None were opposed) Motion carried, see you June 14h.

Richard Harris: Don and I will figure out the expanded notice.

Kevin Richard: Thank you very much,

Don Roberts: Take care

Kevin Richard: Do I need to be present for the...

Don Roberts: Oh, yes you are going to have to answer questions believe me, from the public, okay

Kevin Richard: Okay

Full Mag Guns – Home Occupation

PUBLIC HEARING SET. The Board set a June 14, 2021 Public Hearing, with expanded notice, for the proposed In-Home Occupation request to allow gun sales by appointment.

Mike Ziobrowski: I would like to make a motion to adjourn the meeting

John Higgins: Ill second it

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, thank you good night.